IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 5520(S/S)2001
(Old no. 9352/1996)

Bhairav Dutt Gahtori S/o Sri Vishnu Dutt Gahtori,
R/o village Saret, Post Office-Pati,
Tehsil-Chapawat, District Pithoragarh.
Now district Chapawat. -----Petitioner.

Vs.

1. State of U.P.,
2. District Inspector of School,
   Udham Singh Nagar,
3. U.P. Secondary Education Service Commission,
   Allahabad,
4. Committee of Management,
   Govind Ballabh Pant Inter College,
   Chakarpur, Udham Singh Nagar,
   Through it's Chairman. ----------Respondents.

None for the petitioner.
Sri N.P. Sah, learned Standing Counsel for the State of Uttarakhand.

Hon'ble M.M. Ghildiyal, J.

Heard Sri N.P. Sah, learned Standing Counsel for the State of Uttarakhand/respondent no. 1 & 2. None is present on behalf of the petitioner. Notice was served upon respondents no. 4 however none is present on their behalf.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari quashing the advertisement no. 1/1995-96, issued by the U.P. Secondary Service Commission, Allahabad (annexure-7), in so far

the post of Lecturer in English in Govind Ballabh Pant Inter College, Udham Singh Nagar and all proceedings in pursuance thereof;

ii. Issue a writ, order or direction in the nature of mandamus commanding the respondents not to interfere in functioning of the petitioner as Lecturer in English in Govind Ballabh Pant Inter College-Udham Singh Nagar, earlier distt. Nainital and to pay his regular salary month to month alongwith all the emoluments;

iii. Issue a writ, order or direction in the nature of mandamus commanding the respondents to treat the petitioner as regularly appointed Lecturer in English in Govind Ballabh Pant Inter College, Udham Singh Nagar or to consider the petitioner for regularization under Section-33 B of U.P. Act no. 5 of 1982;

iv. Issue a writ, order or direction in the nature of suitable nature declaring the cut of date of 14.05.1991 fixed under Section-33 B of U.P. Act no. 5 of 1982 for the purposes or regularization of ad-hoc appointments to be wholly discriminatory and altra-virus consideration and to extend the benefit thereof to ad-hoc appointments made up to 06.01.1993/07.08.1993;

v. Or to pass such suitable nature of which this Hon'ble Court may deem fit and proper in the circumstances of the present case;

vi. To award the cost of the petition to the petitioner.

The main relief sought by the petitioner are to issue a writ in the nature of certiorari quashing the advertisement no. 1/1995-96, issued by the U.P. Secondary Service Commission, Allahabad to fill up the post of Lecturer in English in Goving Ballabh Pant Inter College, Udham Singh Nagar further to issue directions to the respondents not to interfere with the functioning of the petitioner. After creation of State of Uttarakhand, there prevails no such Department, namely. The Secondary Education Service Commission, therefore the writ petition has rendered infructuous.

Accordingly, the writ petition is dismissed being infructuous.

(M.M. Ghildiyal, J.)

November 16, 2007:
NCM: